



SENATE BILL 823: Hurricane Florence/Supplemental Act.

2017-2018 General Assembly

Committee:	Senate Appropriations/Base Budget.	If Date:	November 27, 2018
	favorable, re-refer to Rules and Operations of the Senate		
Introduced by:	Sens. Brown, B. Jackson	Prepared by:	Kory Goldsmith
Analysis of:	PCS to First Edition		Staff Attorney
	S823-CSMMA-12		

OVERVIEW: *The Proposed Committee Substitute to Senate Bill 823 appropriates \$299,800,000 for additional disaster relief in response to Hurricane Florence.*

BILL ANALYSIS:

Section 1.2 appropriates \$299,800,000 for additional Hurricane Florence disaster relief which is allocated in Section 1.3 as follows:

- **Department of Public Instruction** – \$23,500,000 to for repair and renovate school facilities and \$1,500,000 is provided to repair or replace food, food nutrition equipment, and food nutrition supplies
- **Department of Agriculture and Consumer Services** – \$240,000,000 to implement the Hurricane Florence Agricultural Disaster Program of 2018.
- **Golden L.E.A.F.** – \$5,000,000 for loans to small businesses.
- **Department of Environmental Quality** – \$10,000,000 to the to be used for commercial fishing assistance, \$250,000 for the State match for the removal of marine debris deposited along the shorelines of state-owned lands, and \$18,500,000 for the State match to mitigate or remediate coastal storm damage to the ocean beaches and dune systems of the State.
- **Wildlife Resources Commission** – \$50,000 to develop legislation related to derelict and abandoned vessels.
- **Judicial Department** – \$1,000,000 for the replacement of equipment and supplies, and other expenses related to additional court sessions required as a result of disaster-related courthouse closures.

SECTION 2.1. Authorizes the Department of Public Instruction to transfer up to \$350,000 from the State Public School Fund to the Education Fund to support the Florence Aid to Students and Teachers of North Carolina (FAST NC) initiative to assist public schools as educators and students recover from the impacts of Hurricane Florence.

SECTION 2.2. Holds harmless principal salaries impacted by lower average daily membership when the principal's school is located in a disaster area and the school was closed for at least 15 days in September, October, and November of 2018 as a result of Hurricane Florence.

SECTION 2.3. Allows funds for repair and renovation of capital facilities at UNC campuses at Wilmington, Pembroke, and Fayetteville to also be used for temporary facility costs associated with damage from Hurricane Florence.

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SECTION 2.4. The Department of Agriculture and Consumer Services provides in-State soil testing, which carries a fee during peak season. Under current law, the Department has discretion over when to begin peak season, but must begin the season before December 1. This section would begin peak season on December 15 for the year 2018.

SECTION 2.5. Clarifies that Agricultural Disaster Program applies only to commodities that had not been harvested at time of Hurricane Florence, and adds a reporting requirement to the General Assembly for the program.

SECTION 2.6. Allows funds appropriated in prior bills for stream debris removal associated with Hurricane Matthew to be used for removal of stream debris deposited by Hurricane Florence.

SECTION 2.7. Describes the permitted uses of funds allocated for commercial fishing assistance. The funds may be used to reimburse holders of SCFL, RSCFL, and Resident Shellfish Licenses for reductions in landings for all or part of the period from September 1, 2018 through November 30, 2018 over prior years' landings. The Division of Marine Fisheries is permitted to use 2.5% of the funds for administrative costs.

SECTION 2.8. Directs the Wildlife Resources Commission to study and make recommendations to address legal and funding obstacles hindering efforts to address the problem of abandoned and derelict vessels in waters of the State. The Commission shall create and consult with a working group of interested stakeholders and make its report to the General Assembly by March 1, 2019.

SECTION 2.9. Clarifies that funds appropriated in the 2018 Appropriations Act for the development and implementation of emerging techniques for improving the resiliency of beach nourishment projects in coastal communities shall be used for development and implementation of any project to mitigate future hurricane impacts on Topsail Island.

SECTION 2.10. Expands the eligible entities that may receive grants from Golden L.E.A.F. to include 501(c)(3) organizations (to repair and replace infrastructure, vehicles, equipment and facilities) and private nonprofit organizations and established religious organizations (to repair and replace places of worship damaged by flooding caused by Hurricane Florence).

SECTION 2.12. Amends various status related to court staffing to (i) allow the Direction of the Administrative Office of the Courts to provide temporary district attorneys upon the request of an elected District Attorney that is in a county that is subject to a gubernatorial disaster declaration, (ii) allow district court sessions to be held in a location outside the county seat if exigent circumstances exist and if approved by the Administrative Officer of the Courts, and (iii) allows the chief district court judge to assign magistrates to temporary duty outside the magistrate's county of residency.

SECTION 2.13. Directs the Governor to develop a 5-year plan beginning in the 2019-2020 fiscal year to replenish the funds transferred from the Savings Reserve to the Hurricane Florence Disaster Recovery Fund.

SECTION 2.14. Revises and coordinates the auditing and reporting requirements for both Hurricane Florence and Hurricane Matthew.

SECTION 3.1 Make the appropriations applicable to those counties designated in the Presidential disaster declaration for Hurricane Florence. As of 11/15/2018, those counties are Anson, Beaufort, Bladen, Brunswick, Carteret, Chatham, Columbus, Craven, Cumberland, Duplin, Durham, Greene, Guilford, Harnett, Hoke, Hyde, Johnston, Jones, Lee, Lenoir, Moore, New Hanover, Onslow, Orange, Pamlico, Pender, Pitt, Richmond, Robeson, Sampson, Scotland, Union, Wayne, and Wilson.

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SECTION 3.2. Makes various provisions related to repayment of State funds, subrogation, use of historically underutilized businesses, and prohibitions on rebuilding in floodplains from previous Florence legislation applicable to this act.

SECTION 3.3 Makes a technical correction to prior Florence legislation.

EFFECTIVE DATE: Unless otherwise provided, the act is effective when it becomes law.